

identifying information to
prevent identity and/or warranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

HA2

MAR 04 2004

FILE:

Office: NEWARK, NJ

Date:

IN RE:

PETITION: Application for Waiver of Grounds of Inadmissibility under Section 212(h) of the Immigration and Nationality Act, 8 U.S.C. § 1182(h)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Newark, New Jersey, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Haiti who was found to be inadmissible to the United States under section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I), for having been convicted of a crime involving moral turpitude. The applicant is married to a lawful permanent resident of the United States and is the beneficiary of an approved Petition for Alien Relative (EAC-98-059-52008). He seeks a waiver of inadmissibility pursuant to section 212(h) of the Act, 8 U.S.C. § 1182(h), so that he may remain in the United States with his spouse.

The district director concluded that the applicant had failed to establish extreme hardship would be imposed on a qualifying relative. The district director further determined that the applicant has a history of omitting pertinent information demonstrating a disregard for the immigration laws of the United States. After providing the applicant with an opportunity to present further evidence, the district director denied the Application for Waiver of Grounds of Excludability (Form I-601) accordingly. *See* Decision of District Director, dated January 14, 2003.

On appeal, the applicant asserts that he provided documents to the Immigration and Naturalization Service [now Citizenship and Immigration Services] as requested.

The record contains copies of official notices to the applicant's spouse relating to her disability claim; a letter from the applicant, dated October 18, 2002; a copy of a New Jersey license plate with handicap demarcation; a copy of the U.S. birth certificate of the applicant's child; a letter from a minister at the applicant's church, dated June 4, 2001; copies of financial documents for the applicant and his spouse; verification of the applicant's employment, dated April 18, 2001; a copy of the resident alien card issued to the applicant's spouse and a copy of the marriage license for the couple. The entire record was considered in rendering a decision on the appeal.

The record reflects that on April 1, 1996, Canadian National Police in Montreal arrested the applicant on charges of Murder.

8 C.F.R. § 103.3(v) (2002) states in pertinent part:

(v) Summary Dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The applicant fails to provide official documentation relating to the disposition of charges brought against him in Canada. Counsel states the "[a]pplicant claims to be unaware of a murder charge, thus his inability to disclose of [sic] a court disposition paper for the said charge." *See* Letter signed by [REDACTED] dated August 30, 2001. However, the applicant does admit to being arrested and detained while in Canada. "In April 1996, I was arrested in Canada because I had an argument with my girlfriend and we started to break the furniture and I was charged with Domestic [V]iolence or [B]attery. The charges of [A]tttempted Murder must have been dropped ..." *See* Letter from [REDACTED] dated October 18, 2002. The applicant's statement raises the possibility of two separate charges, neither of which is established with official documentation in the record. As the record demonstrates the existence of these charges, it is incumbent upon the applicant to provide proof of disposition before the AAO can proceed to assess the applicant's claim of extreme hardship to his spouse.

The applicant in this case has failed to identify any erroneous conclusion of law or statement of fact in his appeal. The appeal will therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed.